



***Substitute Senate Bill No. 1082***

***Public Act No. 15-61***

***AN ACT PERMITTING STATE AGENCIES TO ESTABLISH  
ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS  
AND REQUIRING THE WAIVER OF STATE AGENCY ELECTRONIC  
FILING AND COMMUNICATION REQUIREMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 4-166 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

As used in this chapter:

(1) "Agency" means each state board, commission, department or officer authorized by law to make regulations or to determine contested cases, but does not include either house or any committee of the General Assembly, the courts, the Council on Probate Judicial Conduct, the Governor, Lieutenant Governor or Attorney General, or town or regional boards of education, or automobile dispute settlement panels established pursuant to section 42-181;

(2) "Approved regulation" means a regulation submitted to the Secretary of the State in accordance with the provisions of section 4-172;

(3) "Certification date" means the date the Secretary of the State

***Substitute Senate Bill No. 1082***

certifies, in writing, that the eRegulations System is technologically sufficient to serve as the official compilation and electronic repository in accordance with section 4-173b;

(4) "Contested case" means a proceeding, including but not restricted to rate-making, price fixing and licensing, in which the legal rights, duties or privileges of a party are required by state statute or regulation to be determined by an agency after an opportunity for hearing or in which a hearing is in fact held, but does not include proceedings on a petition for a declaratory ruling under section 4-176, hearings referred to in section 4-168 or hearings conducted by the Department of Correction or the Board of Pardons and Paroles;

(5) "Final decision" means (A) the agency determination in a contested case, (B) a declaratory ruling issued by an agency pursuant to section 4-176, or (C) an agency decision made after reconsideration. The term does not include a preliminary or intermediate ruling or order of an agency, or a ruling of an agency granting or denying a petition for reconsideration;

(6) "Hearing officer" means an individual appointed by an agency to conduct a hearing in an agency proceeding. Such individual may be a staff employee of the agency;

(7) "Intervenor" means a person, other than a party, granted status as an intervenor by an agency in accordance with the provisions of subsection (d) of section 4-176 or subsection (b) of section 4-177a;

(8) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law, but does not include a license required solely for revenue purposes;

(9) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or

***Substitute Senate Bill No. 1082***

amendment of a license;

(10) "Party" means each person (A) whose legal rights, duties or privileges are required by statute to be determined by an agency proceeding and who is named or admitted as a party, (B) who is required by law to be a party in an agency proceeding, or (C) who is granted status as a party under subsection (a) of section 4-177a;

(11) "Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, agency or public or private organization of any character, but does not include the agency conducting the proceeding;

(12) "Personal delivery" means delivery directly to the intended recipient or a recipient's designated representative and includes, but is not limited to, delivery by electronic mail to an electronic mail address identified by the recipient as an acceptable means of communication;

[(12)] (13) "Presiding officer" means the member of an agency or the hearing officer designated by the head of the agency to preside at the hearing;

[(13)] (14) "Proposed final decision" means a final decision proposed by an agency or a presiding officer under section 4-179;

[(14)] (15) "Proposed regulation" means a proposal by an agency under the provisions of section 4-168 for a new regulation or for a change in, addition to or repeal of an existing regulation;

[(15)] (16) "Regulation" means each agency statement of general applicability, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes the amendment or repeal of a prior regulation, but does not include (A) statements concerning only the internal management of any

**Substitute Senate Bill No. 1082**

agency and not affecting private rights or procedures available to the public, (B) declaratory rulings issued pursuant to section 4-176, or (C) intra-agency or interagency memoranda;

[(16)] (17) "Regulation-making" means the process for formulation and adoption of a regulation;

[(17)] (18) "Regulation-making record" means the documents specified in subsection (b) of section 4-168b and includes any other documents created, received or considered by an agency during the regulation-making process; and

[(18)] (19) "Regulations of Connecticut state agencies" means the official compilation of all permanent regulations adopted by all state agencies subsequent to October 27, 1970, organized by title number, subtitle number and section number.

Sec. 2. Section 4-60s of the general statutes, as amended by section 2 of public act 15-1, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Each state agency of the Executive Department [of the state government] shall explore the feasibility of converting all applications and forms used by the public to electronic format and create an inventory of all forms used by such agency.

(b) [Any such agency that requires electronic applications and forms may permit the applicant, individual or business, as applicable, to submit a paper application or form upon request, if such applicant, individual or business demonstrates good cause for not submitting the application or form electronically.] Notwithstanding the provisions of chapter 54, an agency as defined in section 4-166, as amended by this act, may suspend any requirements for paper filing or service of documents requirements contained in any regulation adopted by such agency pursuant to subdivision (1) of subsection (a) of section 4-167

***Substitute Senate Bill No. 1082***

and may establish an electronic filing system for formal and informal agency proceedings. Such agency, before establishing such a system, shall give at least thirty days' notice by posting on its Internet web site and publishing in the Connecticut Law Journal a notice of its intended action and the instructions for the use of such system. Any agency establishing such a system shall grant a request from a person, as defined in section 4-166, as amended by this act, for an exemption from any electronic filing requirements due to a hardship communicated in writing to the agency, including, but not limited to, a lack of access to a device capable of electronic filing or the incompatibility of a specific filing with the electronic filing system.

Sec. 3. Section 4-56a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Procedures prescribed pursuant to sections 4-53, 4-56 and 4-57a shall not be deemed to constitute state regulations within the meaning of subdivision [(15)] (16) of section 4-166, as amended by this act.

Sec. 4. Section 4-61ii of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Any state agency utilizing or contemplating the utilization of volunteers shall be responsible for the development, continuation or expansion of volunteer programs within the agency. Each state agency may, for the purposes of fulfilling its responsibilities under sections 4-61hh to 4-61mm, inclusive, do any or all of the following: (1) Utilize qualified salaried professional staff to develop meaningful opportunities for volunteers involved in carrying out the functions of the agency; (2) develop written rules governing the recruitment, screening, training, responsibility, utilization, supervision and evaluation of its volunteers, but such rules shall not be deemed to be regulations as defined in [subdivision (15) of] section 4-166, as amended by this act; (3) take such actions as are necessary to ensure

**Substitute Senate Bill No. 1082**

that volunteers and paid employees understand their respective duties and responsibilities toward one another and their respective roles in fulfilling the functions of the agency; (4) develop and implement orientation and training programs for volunteers; and (5) contract with other state agencies, as it deems necessary.

Sec. 5. Subdivision (14) of subsection (a) of section 15-120cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(14) Adopt rules for the conduct of its business which shall not be considered regulations, as defined in [subdivision (15) of] section 4-166, as amended by this act;

Sec. 6. Subsection (a) of section 32-435 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) There is hereby established and created a body politic and corporate, constituting a public instrumentality and political subdivision of the state of Connecticut established and created for the performance of an essential public and governmental function, to be known as the Connecticut Port Authority. The authority shall not be construed to be a department, institution or agency of the state. The purposes of the Connecticut Port Authority shall be to coordinate port development, with a focus on private and public investments, pursue federal and state funds for dredging and other infrastructure improvements to increase cargo movement through Connecticut ports, market the advantages of such ports to the domestic and international shipping industry, coordinate the planning and funding of capital projects promoting the development of such ports and develop strategic entrepreneurial initiatives that may be available to the state. The authority is authorized and empowered to:

**Substitute Senate Bill No. 1082**

(1) Have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal and alter the same at pleasure;

(3) Maintain an office at such place or places as it may designate;

(4) Sue and be sued in its own name, and plead and be impleaded;

(5) Develop an organizational and management structure that will best accomplish the goals of the authority concerning Connecticut ports;

(6) Create a code of conduct for the board of directors of the authority consistent with part I of chapter 10;

(7) Adopt rules for the conduct of its business, which shall not be considered regulations as defined in [subdivision (13) of] section 4-166, as amended by this act; and

(8) Adopt an annual budget and plan of operations, including a requirement of board approval before the budget or plan may take effect.

Sec. 7. Subsection (a) of section 32-665 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Except as otherwise provided in sections 32-650 to 32-668, inclusive, the following provisions of the general statutes, including regulations adopted thereunder, shall not apply to the overall project: Section 3-14b, subdivisions [(12), (13) and (14)] (13) to (15), inclusive, of section 4-166, as amended by this act, sections 4-167 to 4-174, inclusive, 4-181a, 4a-1 to 4a-59a, inclusive, 4a-63 to 4a-76, inclusive, title 4b, section 16a-31, chapters 97a, 124 and 126, sections 14-311 to 14-314c,

***Substitute Senate Bill No. 1082***

inclusive, 19a-37, 22a-16 and subsection (a) of section 22a-19. For the purposes of section 22a-12, construction plans relating to the overall project shall not be considered construction plans required to be submitted by state agencies to the Council on Environmental Quality. Notwithstanding any provision of any special act, charter, ordinance, home rule ordinance or chapter 98, no provision of any such act, charter or ordinance or said chapter 98, concerning licenses, permits or approvals by a political subdivision of the state pertaining to building demolition or construction shall apply to the overall project and, notwithstanding any provision of the general statutes, the State Building Inspector and the State Fire Marshal shall have original jurisdiction with respect to the administration and enforcement of the State Building Code and the Fire Safety Code, respectively, with respect to all aspects of the overall project, including, without limitation, the conduct of necessary reviews and inspections and the issuance of any building permit, certificate of occupancy or other necessary permits or certificates related to building construction, occupancy or fire safety. For the purposes of part III of chapter 557, the stadium facility project, the convention center project and the parking project shall be deemed to be a public works project and consist of public buildings except that the provisions relating to payment of prevailing wages to workers in connection with a public works project including, but not limited to, section 31-53 shall not apply to the stadium facility project, the convention center project and the parking project if the project manager or the prime construction contractor has negotiated other wage terms pursuant to a project labor agreement. The provisions of section 2-32c and subsection (c) of section 2-79a shall not apply to any provisions of public act 99-241, as amended by public act 00-140, or chapter 588x concerning the overall project. Any building permit application with respect to the overall project shall be exempt from the assessment of an education fee under subsection (b) of section 29-252a.

***Substitute Senate Bill No. 1082***

Sec. 8. Section 4-60r of the general statutes, as amended by section 1 of public act 15-1, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Each state agency of the Executive Department [of the state government] shall review its existing policies concerning the mailing of notifications or other documents to clients of such agency and shall use electronic notification and correspondence with such clients where deemed appropriate by such agency and where not in conflict with any provision of the general statutes. Any such agency that requires the use of electronic notification and correspondence with its clients [may waive such requirement upon the request of the client, if the client demonstrates good cause for such waiver] shall grant a request from a client communicated in writing to the agency for an exemption from such requirement due to a hardship, including, but not limited to, a lack of access to a device capable of communicating electronically or the incompatibility of a specific document with electronic correspondence.